

BOARD OF NURSING
MINUTES
DECEMBER 15, 2006

CONVENED: 9:12 a.m.

CONDUCTING: Diane Forster-Burke

ADJOURNED: 2:40 p.m.

MEMBERS PRESENT: Nancy Knape
Marilyn Johnson
Barbara Jeffries
Marie Partridge
Joel Allred
Susan Kirby
Mary Williams
Diane Forster-Burke

MEMBERS EXCUSED: Pam Rice
Yvonne Sehy

DIVISION STAFF: Laura Poe, Executive Administrator
Craig Jackson, Division Director
F David Stanley, incoming Div. Director
Shirlene Kimball, Secretary
Connie Call, Discipline Specialist

TOPIC OF DISCUSSION:

DECISIONS/RECOMMENDATIONS:

NOVEMBER 17, 2006 MINUTES: Approved as written.

ENVIROMENTAL SCAN: Ms. Poe reported that the passing score on the RN examination was increased and will go into effect April 1, 2007. She also reported that NCSBN will not pursue a modified version of the NCLEX examination and will continue offering the examination in English only. Ms. Poe reported that the Philippines Board of Nursing is requesting to be allowed the use the NCLEX examination.

DISCIPLINE REPORT: Ms. Call reported on this month's probationers. The report is attached.

JEANETTE CAMPBELL, REQUEST FOR TERMINATION OF PROBATION: Ms. Campbell requested termination of probation. She has been on probation for three years and has been in compliance with the terms and conditions of her Order. Ms.

TODD GARDNER, REQUEST TO
ELIMINATE FROM HIS ORDER THE
REQUIREMENT TO SUBMIT
PRESCRIPTIONS RECEIVED FROM
AN EMERGENCY PRACTITIONER
WITHIN 48 HOURS:

Johnson made a Motion to terminate probation. Dr. Williams seconded the Motion. All Board members in favor.

Board members reviewed the request. It seems to be a strange request and if the requirement was eliminated, there would be no way to monitor medications for the urine screens. Dr. Williams made a Motion to deny the request based upon the need to be able to track the prescriptions he is taking for the purposes of urine screens. Ms. Jeffries seconded the Motion. All Board members in favor.

JANIE SEEGMILLER
REQUEST FOR TERMINATION OF
PROBATION:

Ms. Seegmiller has had some problems, but has been in compliance with the terms and conditions of her probation. Ms. Knappe made a Motion to approve the request for termination of probation. Mr. Allred seconded the Motion. All Board members in favor.

LAURA ODOM REQUEST FOR
AMENDMENT TO HER ORDER TO
ALLOW FOR GENERAL
SUPERVISION BY A PHYSICIAN,
NURSE OR PSYCH TECHNICIAN:

Ms. Odom works at Highland Ridge Hospital and has requested she be allowed to work under the general supervision of a nurse, psych tech or physician. Her director of nursing submitted a letter of support. Ms. Kirby made a Motion to approve the request for Highland Ridge Hospital only. The psych technician or unlicensed individual working with Ms. Odom must be informed that they have to report any questionable behavior to her supervisor immediately and that the supervisor must return immediately if contacted. Ms. Johnson seconded the Motion. All Board members in favor.

ELECTION OF CO-CHAIR:

Dr. Williams nominated Joel Allred. Ms. Partridge seconded the nomination. All Board members in favor.

ADJOURNED TO PROBATION
COMMITTEES AT 9:45 A.M.:

GROUP I
CONDUCTING: JOEL ALLRED

Members present: Ms. Forster-Burke, Dr. Williams, Ms. Partridge and Mr. Allred.

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SECRETARY: SHIRLENE KIMBALL

CAMILLE PORTER,
ANNUAL PROBATION INTERVIEW:

Ms. Porter indicated she has accepted a job with the University of Utah infusion company. She stated she will do intakes in the office and will not be going into homes. She stated the employer is aware of her Stipulation. Ms. Porter stated she has been clean since August 2003. She stated she has had no thoughts of relapse and has not relapsed. She requested her Order be amended to allow her to call in prescriptions to a pharmacy. She is in compliance with the terms and conditions of her Order.

TERESA WHITEBREAD,
ANNUAL PROBATION INTERVIEW:

Ms. Whitebread indicated she has had no thoughts of relapse and has not relapsed. She stated she is not taking any medications not lawfully prescribed for her. She reported work is going well and she has been clean since October 2005. Ms. Whitebread appears to be in compliance with the terms and conditions of her Order.

MICHELLE JENSEN,
PROBATION INTERVIEW:

Ms. Jensen did not appear for her scheduled interview.

GROUP II
CONDUCTING: MARILYN JOHNSON
SECRETARY: CONNIE CALL

Members present: Ms. Kirby, Ms. Knape, Ms. Johnson and Ms. Jeffries.

TODD GARDNER,
NEW ORDER:

Ms. Kirby conducted the interview by telephone. Mr. Gardner stated he has been attending 12-step meetings three times a week. He indicated he is currently employed at Red Cliffs in St. George. He stated he has been sober just over one year. He indicated he has no thoughts of relapse and has not relapsed. His prescribing practitioner is Mark Overas, PA and his declared pharmacy is Zions Pharmacy.

CRYSTAL JORGENSEN,
PROBATION INTERVIEW:

Ms. Jorgensen did not appear for her scheduled interview.

RECONVENED TO FULL BOARD AT

PROBATION COMMITTEE REPORT: Camille Porter: Mr. Allred made a Motion to allow Ms. Porter to call work related prescriptions into the pharmacy. Ms. Partridge abstained. All other Board members in favor.

Michelle Jensen: Ms. Jensen did not appear for her meeting. Dr. Williams made a Motion to invite Ms. Jensen next month and if she does not appear, refer her for an Order to Show Cause Hearing. Ms. Kirby seconded the Motion. All Board members in favor.

Crystal Jorgensen: Ms. Jorgensen did not appear and will be contacted by Division staff to obtain a current status of her licensure application.

NILS PETERSON,
REINSTATEMENT APPLICATION:

Mr. Peterson submitted a reinstatement application. He indicated he was in a diversion program in Minnesota and is considering moving back to Utah. Mr. Peterson had been requested to submit a letter from the Minnesota Board of Nursing indicating compliance to his Order; a letter from the psychiatrist indicating his compliance to treatment and his prognosis and a nursing work history. Mr. Peterson has not submitted the information and did not acknowledge the appointment letter. Mr. Allred made a Motion to deny the application because it is incomplete. Ms. Johnson seconded the Motion. All Board members in favor.

CRAIG JACKSON:

Mr. Jackson introduced F. David Stanley as the new Division Director as of December 22, 2006. Board members introduced themselves and welcomed Mr. Stanley.

JAMES HARRIS,
RENEWAL APPLICATION:

Mr. Harris met with the Board to explain the yes answers on his RN renewal. He indicated his physician assistant and nursing license in Nevada were disciplined. He stated he obtained his RN degree in 1988 and then obtained the PA license and worked for seven

years as a physician assistant in family practice. He stated he used cocaine while working as a PA in Nevada and was required to go through the Talbot program. He also indicated after completion of the treatment program he had dental problems and was planning on going camping, so he sought out a physician friend who worked in an ER and requested medication for the pain. Board members indicated they are concerned he received prescriptions from a colleague while in recovery. He stated he does not feel he has a substance abuse problem. He stated he has been clean and sober 3 to 4 years, but does have a beer about twice a week. He stated he wants to reinstate his Nevada nursing license and has been in contact with them. He stated he would like the Utah license so that he can have a compact license. He stated he did not continue attendance at AA meetings because he moved back to Utah and does not have a car. Mr. Allred expressed concern with a pattern of substance abuse and does not feel Mr. Harris is being totally honest with the Board. If the Nevada Board is reconsidering his request for licensure and they are familiar with his case, the Board may want to table a decision until Nevada has made a decision. Ms. Knape made a Motion to table the decision until the Nevada Board of Nursing has acted upon his application for reinstatement of his license in that state. Ms. Jeffries seconded the Motion. All in favor.

ADJOURNED FOR LUNCH 12:00
RECONVENED AT 12:30 P.M.

REPORT FROM THE EDUCATION
COMMITTEE:

Ms. Forster-Burke indicated the Committee tabled the Indiana State University PN to BSN distant learning program request. Committee members would like to discuss preceptorships in more detail to determine if a preceptorship model is appropriate, and if so, when would it be appropriate. Ms. Forster-Burke indicated Indiana State has a very well thought out program but the Board needs to look at

preceptorships more closely.

Ms. Forster-Burke indicated Ameritech College requested adding 10 students to the number of students they can accept into a program. The first group began in August with 30 students. Ameritech has indicated they have the faculty members and clinical contracts to support the addition of 10 students. Ameritech indicated they have hired eight faculty members, but only three are masters prepared and the other five would not be able to teach beyond the first year. Ms. Johnson stated she thought the Board had indicated the program had to wait at least one year before even considering adding more students. Ms. Kirby made a Motion to allow a total of 40 students at both the PN and RN level and they can not increase the number of students until the first class has graduated and the Board has reviewed the results of the NCLEX examination. Ms. Jeffries seconded the Motion. Ms. Johnson abstained, all other Board members in favor.

DISCUSSION REGARDING
PROPOSED 2007 LEGISLATION:

Ms. Poe reported that a bill will be proposed requiring continuing education for RN and LPN renewal. Ms. Poe stated that she is concerned that if CE is mandated, the individual will take the cheapest CE and it may not pertain to the individual's area of practice. If the bill passes and requires the licensee to submit documentation with renewal, the cost of renewal will increase.

Proposed changes to the Act: Plea in Abeyance. If an applicant has been convicted or has entered into a plea which is held in abeyance pending the successful completion of probation with respect to a felony, the applicant must have completed all conditions of the sentence or plea no less than five years prior to the date of filing an application. If it is for a violent felony as defined in Title 76-3-203.5(1)(c) the applicant is permanently barred from licensure. Ms. Poe indicated that usually drug possession or distribution is a felony, but

not considered a violent felony and after the 5 year period the individual could apply for licensure.

Ms. Forster-Burke had requested moving the definition of delegation from rule into the Statute. Ms. Poe indicated that since only the first line of the definition is an actual definition and the rest lists conditions, the assistant attorney general does not feel it is necessary to move this into Statute. Ms. Poe also indicated that if it is placed in the Statute, the Statute would have to be opened up to make any changes. Ms. Forster-Burke indicated her concern was that the only reference to delegation is under unprofessional conduct and the Statute does not define appropriate professional delegation. Ms. Forster-Burke questioned whether or not Rule would have the same weight as Statute. Ms. Poe indicated it would unless there is another Statute that would conflict with the Rule. If the Statute is opened, there is a possibility that the definition may be changed by the Legislature. Ms. Knappe made a Motion to leave the definition of delegation in rule. Dr. Williams seconded the Motion. Ms. Forster-Burke opposed. All other Board members in favor.

Ms. Poe indicated she is meeting with the CRNA association to discuss moving CRNAs into the APRN Compact. In order to do this, the CRNA would have to be defined as an APRN and changes would have to be made to the Nurse Practice Act. The Statute would include under the APRN education requirements completion of a nurse anesthesia program. The applicant would need to also document course work in patient assessment, diagnosis and treatment and pharmacology. If the applicant can not document these courses at the graduate level, the APRN without prescriptive practice license would be issued. The APRN without prescriptive practice classification would only be for the CRNA. Board members indicated they are in favor of

MEDICATION AIDE PILOT
PROGRAM:

this proposal.

Guest: Nancy Watts, UNA

Board members reviewed the draft regarding facility requirements for participation, training, continuing education, pilot research design, MAC standards and protocols, and the formulary.

The facility requirements section was approved.

Training will be offered by an educational institution that currently offers an approved nursing education program. The wording requiring Board notification was eliminated.

Board members questioned whether or not there are enough faculty members at the approved programs. Board members also stated the MAC may be trained by a nursing faculty member who may not have experience in long term care. Ms. Jeffries stated it would be easier to use someone employed in the facility. Ms. Kirby expressed concern that the MAC will be trained site specific. Ms. Poe indicated once the MAC has been certified, he/she can go to any approved facility. The course is principle based across clinical settings. It was suggested either a current faculty member of an approved nursing education program or RN staff member who has completed the train the trainer program be responsible for training. Concern was expressed that in some facilities there are no RNs in the facility. Those facilities would be required to utilize nursing faculty members to supervise the clinical training requirement.

Continuing Education: Approved.

Standards and Protocols: Approved.

Formulary: Eliminate oral maintenance chemotherapy and oral anti-diabetics. On

number 15, the MAC can only do the tube feeding and medications must be added by the nurse. Also add that the MAC may not administer controlled substances.

Ms. Watts questioned whether or not those facilities that are already using aides, can those aides be grandfathered as a MAC? Ms. Poe stated if we are aware of a facility where this is already happening, we will try to get them into the pilot program. The pilot will provide a measure to see how well the program is working. If it goes well, then the Board can go to the Legislature and say if there is delegation, it must be to a MAC. If there is a facility where a licensed nurse is not required, we can define supervision and allow for general supervision if the nurse was immediately available if it is an ICMR facility, and if a skilled facility, the nurse must be on site.

Ms. Poe stated the next step is to develop a medication aide examination. She reported there is a company that writes the exam, but this leaves the potential that we are six months to a year before implementing the pilot. Ms. Poe questioned if we should accept the exit exam from the training program until the certification examination is in place? Board members expressed concern accepting the exit exam and insisted the certification exam must be in place to assure public safety.

Ms. Johnson made a Motion to approve the pilot program for the medication aide with the corrections made today. Ms. Jeffries seconded the Motion. All Board members in favor.

DIANE FORSTER-BURKE, CHAIR

DATE

LAURA POE, EXECUTIVE
ADMINISTRATOR

DATE

EDUCATION COMMITTEE
BOARD OF NURSING
MINUTES
DECEMBER 15, 2006

CONVENED: 7:32 a.m.

CONDUCTING: Diane Forster-Burke

ADJOURNED: 9:03 a.m.

MEMBERS PRESENT: Diane Forster-Burke
Helen Zsohar
Mary Williams
Yvonne Sehy

MEMBERS EXCUSED: Pam Rice

DIVISION STAFF: Laura Poe, Executive Administrator
Shirlene Kimball, Secretary

GUESTS: Peggy Brown

TOPIC OF DISCUSSION:

UPDATE ON CERTIFIED CAREERS
INSTITUTE LPN NURSING PROGRAM
PROPOSAL

NOVEMBER 17, 2006 MINUTES:

DISCUSSION REGARDING CLINICAL
PRECEPTORS IN THE LPN TO BSN
DISTANCE LEARNING PROGRAM:

DECISIONS/RECOMMENDATIONS:

Ms. Poe indicated the discussion regarding Certified Careers Institute Practical Nursing Program will be tabled until they have followed up with the recommendations from the last meeting and are ready to meet with the Committee.

Approved as written.

Ms. Poe stated she reviewed an NCSBN survey on states requiring faculty members for distant learning programs to be licensed in the state where the student obtains clinical hours. She indicated that there are states that do not require licensure, and there are those that do. Ms. Poe indicated her research regarding the use of preceptors found the majority of states required the student to have the basic foundation before using a preceptor (after clinical and didactic instruction). Ms. Poe questioned whether or not the LPN is considered basic nursing, and if so, can the distant learning program use the

preceptor model for the BSN? Two other schools have come forward requesting approval of the LPN to BSN using preceptors (University of Phoenix and Ameritech). The University of Phoenix chose not to move forward with the program and Ameritech changed their program based on the Board's decision.

Ms. Poe indicated the Rules require that an out of state program be approved by the Board in the state where the program is located, be nationally accredited and that clinical faculty members have a Utah license. The Board needs to determine whether or not it is acceptable to use the preceptor model for a LPN to BSN program.

Ms. Forster-Burke stated she does not consider the LPN basic level because of the short length of time in clinicals. Dr. Zsohar stated she disagrees.

Ms. Forster-Burke also stated that the depth of instruction comes from the faculty and this won't happen in a preceptor model. Ms. Forster-Burke stated another concern is that the preceptor should be at the level of a BSN or higher and rural areas may not have these individuals available.

Dr. Miller, the distance learning coordinator for the Indiana State University Nursing Program, clarified their distant learning program by telephone interview. She indicated the program is accepted in 33 states and is approved by the Indiana Board of Nursing and accredited by NLNAC. She stated she has one Utah student currently interested in their program. Dr. Miller reported the student must complete 450 hours of clinical. If the student works in the same facility where he/she will be receiving the clinical hours,

clinicals must be completed on another unit. If the student is working in a long term care facility, then the clinical hours are obtained in another type of facility. Committee members questioned whether or not working as an LPN and then practicing as BSN student produced a role conflict? Dr. Miller indicated the student is required to wear an Indiana State uniform with the school name which helps identify the role of student. Committee members questioned how the preceptor is selected? Dr. Miller indicated that the program works with a nurse executive in an institution. The school receives a list with three or four names of individuals who are willing to act as preceptors and the student contacts those individuals on the list. The preceptor must be prepared at the BSN level, have worked at least 3 years and have expertise in the area where the student is being precepted. The student is required to have an LPN license, complete the online Test of Essential Academic Skills, and complete pre-professional courses. She indicated that the current program has 96 students with 54 of the students living outside of Indiana. Dr. Miller indicated the program has a faculty member who was licensed in Utah at one time and is willing to reinstate that license. Dr. Miller indicated she will also become licensed in Utah if necessary. The program does not conduct a site visit to the clinical site, but uses video conferencing and video demonstrations. Evaluations are received from the student, the preceptor and the clinical facility for that course. The preceptor evaluates skills and provides orientation to the BSN-RN role. There is a mechanism in place for students who violate standards and if the student abuses drugs or alcohol, there is a policy in place to address these issues.

Ms. Poe indicated the Board of Nursing will

discuss the issue and will communicate back regarding any recommendations.

Dr. Sehy stated she is concerned that the program relies on the student to find the preceptor. Dr. Sehy also expressed concern that the student will have a hard time finding a BSN prepared nurse in the rural areas. Ms. Forster-Burke stated that in non preceptor type programs the clinical faculty is on site with the student, whereas the preceptor type program does not have faculty members on site. Dr. Zsohar stated that the faculty member can not be available for all students if there are 8 students across 3 units. The nurse assigned to the student's patient helps the student to provide care when the faculty member is unavailable. Dr. Williams stated the difference is that if there is a problem, the faculty member is available on site. Dr. Zsohar indicated that with the current technology the student and preceptor are one phone call away if help is needed.

Ms. Poe questioned whether or not the Board is ready to make a decision regarding the Indiana State University distant learning nursing program or is further discussion regarding preceptors required? Dr. Zsohar indicated she is ready to recommend approval of the request. Dr. Zsohar made a Motion to approve the Indiana State University distant learning program for students to receive clinical hours in Utah. Dr. Williams seconded the Motion. Discussion: Ms. Poe questioned whether or not the preceptor issue has been addressed? Dr. Zsohar stated the faculty member of record will be licensed in Utah and she believes that LPNs are educated in basic skills. She indicated the question most relevant is how will the program socialize the LPN into the role and responsibilities of

the RN. Dr. Williams stated there will be a different standard for in-state programs and out-of-state programs if we approve the preceptor model for distant learning programs. Dr. Williams suggested the Board table the decision until further discussion can be held. Dr. Williams also indicated it would be helpful to involve those from the community setting, staff nurses and clinical faculty in this discussion. Dr. Zsohar voted in favor of the Motion. Dr. Williams, Dr. Sehy and Ms. Forster-Burke opposed the Motion. The Motion failed. Dr. Williams made a Motion to table the decision until the Board has discussed the issue further. Dr. Sehy seconded the Motion. Dr. Zsohar opposed. All others committee members in favor of tabling the decision. Ms. Poe indicated that the discussion will be placed on the January agenda.

The discussion will need to address the role of the preceptor and whether or not the LPN level will be considered as basic nursing skills.

Dr. Zsohar provided an article regarding clinical education. It will be helpful to have this article available for review at next month's discussion.

NURSING EDUCATION MANUAL:

Ms. Poe requested Committee members review the manual and e-mail her with any changes. The document will be finalized at the next meeting.

DIANE FORSTER-BURKE

DATE